

INDEX OF MEMORANDA

X-182 – CROWN PROPERTY ANNEXATION

182.81725 ACRES

(Crown Village Farm, LLC and Catherine & Clyde Stinson)

No.

- 1) Application for Annexation filed November 14, 2005
- 2) Letter (3-pages) to Mayor and City Council from Barbara A. Sears and Joseph P. Lapan (Linowes and Blocher), dated November 14, 2005
- 3) Petition for Annexation (3 pages of text and 3 pages of Notary Certification) submitted November 14, 2005
- 4) Metes and Bounds Description of Property to be annexed (11 page document) as prepared by Rodgers Consulting, Inc. July 2005, Job No. 575-C1 (also marked as Exhibit "A")
- 5) Boundary Survey and Annexation Plat as prepared by Rodgers Consulting, Inc. in October 2005 (also marked as Exhibit "B" in Petition for Annexation) Large Size
- 6) Boundary Survey and Annexation Plat (small size)
- 7) Copy of Tax Map FS342, with property outlined (also marked as Exhibit "C" in the Petition for Annexation)
- 8) List of persons who reside on the Crown Property and are registered voters (also referred to as Exhibit "D" in the Petition for Annexation)
- 9) List of names and addresses of person with ownership interests in property and parcel numbers (also referred to as Exhibit "E" in Petition for Annexation)
- 10) Certified copy of Montgomery County Zoning Map (also referred to as Exhibit "F" in the Petition for Annexation. Large size
- 11) Certified copy of Montgomery County Zoning Map. Small size

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- 12) Vicinity Map showing location of the property
- 13) Names and addresses of adjacent property owners within 250 feet prepared by applicant
- 14) General information narrative on property prepared by Rodgers Consulting, Inc.
- 15) City of Gaithersburg Zoning Map
- 16) Report titled: "The Crown Property, Gaithersburg, Maryland, Natural Resources Inventory/Forest Stand Delineation Plan" Prepared by Rodgers Consulting, Inc. and approved by City of Gaithersburg.
- 16A) Natural Resources Inventory/Forest Stand Delineation Plan Sheet 1 of 3, Large size
- 16B) Natural Resources Inventory/Forest Stand Delineation Plan, Sheet 2 of 3, Large size
- 16C) Natural Resources Inventory/Forest Stand Delineation Plan, Sheet 3 of 3, Large size
- 17A) Natural Resources Inventory/Forest Stand Delineation Plan, Sheet 1 of 3, Small size
- 17B) Natural Resources Inventory/Forest Stand Delineation Plan, Sheet 2 of 3, Small size
- 17C) Natural Resources Inventory/Forest Stand Delineation Plan, Sheet 3 of 3, Small size
- 18) Letter from Barbara Sears and Joseph Lapan (Linowes and Blocher) to the City Council dated December 1, 2005
- 19) Land Use Plan MXD Concept/Sketch Plan (Sheet 1 of 5) Large Size
- 19A) Land Use Plan MXD Concept/Sketch Plan (Sheet 1 of 5) Small size
- 20) Boundary Survey MXD Concept/Sketch Plan (Sheet 2 of 5) Large Size
- 20A) Boundary Survey MXD Concept/Sketch Plan (sheet 2 of 5) Small size
- 21) Surrounding Uses and Road Network Plan MXD Concept/Sketch Plan (Sheet 3 of 5) Large Size
- 21A) Surrounding Uses and Road Network Plan, MXD Concept?Sketch Plan (Sheet 3 of 5) Small size
- 22) Phasing Plan MXD Concept/Sketch Plan (Sheet 4 of 5) Large size
- 22A) Phasing Plan MXC Concept/Sketch Plan (Sheet 4 of 5) Small size

- 23) Natural Resources Inventory and Forest Stand Delineation, MXD Concept/Sketch Plan (Sheet 5 of 5) Large size
- 23A) Natural Resources Inventory and Forest Stand Delineation, MXD Concept/Sketch Plan (Sheet 5 of 5) Small size
- 24) Narrative: "Demonstration of Compliance with Master Plan Recommendations" prepared by applicant
- 25) Package for Mayor and City Council's introduction of proposed annexation at their meeting of December 19, 2005
- 26) Notice to *Gaithersburg Gazette* for inclusion of legal ad in the December 28, 2005 and January 4, 11, and 18 issues for advertisement of the joint public hearing on February 6, 2006
- 27) Notice of Public Hearing with location map sent December 23, 2005 to required parties
- 28) Outline of Public Facilities sent to required public agencies December 23, 2005
- 29) Copy of mailing labels (to property owners within 500 feet) used for notice of public hearing mailed December 23, 2005
- 30) Shady Grove Study Area, 1990, Excerpt on Transportation
- 31) Shady Grove Study Area, Land Use Plan Recommendations, Chapter Five
- 32) Copy of legal ad which appeared four times December 28, 2005, January 4, 11, and 18, 2006

Exhibits received at or after the public hearing on February 6, 2006.

- 33) Memoranda to Greg Ossont from Linowes and Blochers dated February 6, 2006 referencing the Shady Grove Study Area Master Plan recommendations for the Crown property
- 34) Memorandum of Understanding among Montgomery County, Rockville and Gaithersburg dated July 23, 1922
- 35) Crown Farm Presentation February 6, 2006, booklet prepared by development team and presented via power point at public hearing
- 36) E-mail received from Cheryl Kaiser to listed parties February 7, 2006

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- 37) Testimony of MaryAnne polkkiewicz, Maryland Transit Administration, given at public hearing on February 6, 2006
- 38) Letter to City Manager Humpton, dated October 27, 2005, from Maryland Transit Administration, referencing the Corridor Cities Transitway
- 39) Traffic Impact analysis by the Traffic Group dated January 22, 2006 (large book)
- 40) Traffic Impact Analysis, Excerpt Table of Contents and Exhibits
- 41) Notice of February 27, 2006 Work session
- 42) Mailing list for notification of February 27, 2006 work session
- 43) Package for Joint Work session of February 27, 2006
- 44) E-mail dated February 23, 2006 from Bill Burke to City Council enumerating his concerns
- 45) Density Analysis provided by Barbara Sears, dated February 21, 2006
- 46) Letter from Washingtonian Towers to City Council dated February 27, 2006
- 47) E-mail from Roy Fletcher to City Council dated March 2, 2006
- 48) Preliminary Staff Analysis dated March 6, 2006
- 49) E-mail from Bill Burke to City Council dated March 7, 2006 with attachment "Viewpoint: Scratch school plan at Crown Farm site"
- 50) E-mail to Planning and Code Administration from Mary May dated March 9, 2006
- 51) E-mail to Rob Robinson from Rick Kiegel , of Maryland Transit Administration, dated March 15, 2006
- 52) Copy of letter from Mayor Katz to Mr. Berlage, Chairman of Montgomery County Planning Board, dated January 12, 2006
- 53) Copy of letter to Ms. Edwards from Barbara Sears dated January 25, 2006
- 54) Copy of letter to Mr. Berlage from Barbara Sears dated January 30, 2006
- 55) Copy of letter to Mr. Berlage from Barbara Sears dated March 15, 2006

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- 56) MNCPPC Report to Montgomery County Planning Board dated March 10, 2006 for hearing on March 16, 2006
- 57) Letter to Mr. Callum Murray from City Attorney Borton and Consulting Attorney Abrams dated March 22, 2006
- 58) Exhibit received from Montgomery County Department of Park and Planning, Memorandum dated March 10, 2006, from Ms. Sturgeon and Mr. Murray to Montgomery County Planning Board
- 59) Exhibit received from Montgomery County Department of Park and Planning, Memorandum dated March 20, 2006, from Ms. Sturgeon and Mr. Murray to Montgomery County Planning Board
- 60) Letter to Mr. Murray from Mr. Felton, dated March 24, 2006, referencing items for an annexation agreement
- 61) Letter to Ms. Sturgeon from Mr. Ossont, dated March 27, 2006, referencing acreage
- 62) Letter to Ms. Sturgeon from Mr. Ossont, dated March 27, 2006, referencing public facilities and including a revised staff analysis
- 63) E-mail received from David Baer of 111 Fleece Flower Drive dated March 27, 2006
- 64) Letter dated March 29, 2006, to Mr. Berlage from Edgar Taplin and Richard Pavlin, of Action in Montgomery
- 65) Memorandum from Greg Ossont, Director, P&CA, to Planning Commission, dated April 13, 2006
- 66) Revised staff analysis as transmitted to Planning Commission dated April 12, 2006
- 67) Letter to George Leventhal dated April 12, 2006, from Anne Ambler, Sierra Club, Montgomery County Group
- 68) Letter to George Leventhal dated April 11, 2006, from Charles Haughey, President of Board of Education
- 69) Memorandum to Seven Silverman dated April 10, 2006 from Marc Hansen, Deputy County Attorney
- 70) Revised Sketch Plan received April 13, 2006
- 71) Revised Phasing Plan received April 13, 2006

- 72) Copy of Letter to George Leventhal dated April 13, 2006 from Julia O'Malley, Chair
Historic Preservation Commission received via fax April 14, 2006

Planning Commission record closed April 14, 2006 at noon.

MEMORANDUM TO: Planning Commission

FROM: Greg Ossont, Director
Planning and Code Administration *Y*

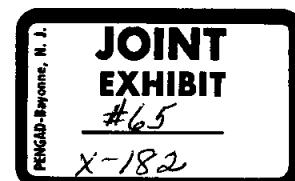
DATE: April 13, 2006

SUBJECT: Neighborhood Housing Mix

Staff has been requested to provide a summary of housing mixes for some of the City's traditional neighborhood design (TND) communities. Please find the following chart which provides housing type percentages for five communities. Please note that column "AA" relates to accessory apartments above garages.

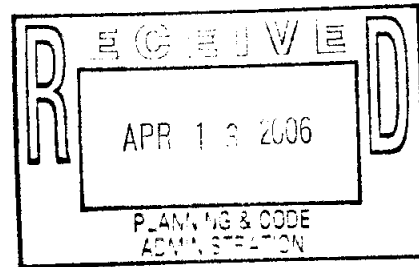
Subdivision	SFD	TH	MF	2x2's	AA
Kentlands	25%	18%	50%	5%	2%
Lakelands	34%	28%	26%	12%	
QO Park	42%	36%		22%	
Watkins Mill TC	9%	22%	56%	13%	
Hidden Creek	12%	67%		21%	

I hope this information is helpful. Please contact me at 301-258-6330 if you have any questions.





Montgomery County Group



12 April 2006

The Honorable George Leventhal
Members of the Montgomery County Council
100 Maryland Avenue
Rockville, MD 20950

Dear Council President Leventhal and Council Members: Re: Crown Farm Annexation

The Sierra Club and the other organizations signing this letter, established advocates of balanced land use and preservation of the Agricultural Reserve for agriculture, have been closely following the fast-tracked Crown Farm annexation process.

Crown Farm is one of the largest remaining parcels of vacant land in the I 270 Corridor. The County's General Plan and Gaithersburg Vicinity master plan *rely on this property to fulfill important functions in the development of the Corridor*. We urge you to consider very carefully these functions before you approve the conditions of annexation of the Crown Farm by the City of Gaithersburg. Allowing development to proceed under the zoning and conditions currently set out by the City would ensure that the public interest, as embodied by these plans, *is not met*.

You would do a grave disservice to the citizens of the county to approve the rezoning of the Crown Farm before the conditions detailed in the Planning Board's letter are met in a legally binding document from Gaithersburg. The most important conditions are:

1. Require 12.5% of units be MPDUs with the same income limits, period of price control, staging procedures during development, etc. as in the County program.
2. Require the developer to purchase the same number of TDRs as would be required by the Planning Board. *Failure to require these TDRs and removing the potential of a critical TDR receiving area would undercut the Council's efforts to keep the Agricultural Reserve economically viable*. The appropriate number is probably between the 212 calculated by the planning staff and the 94 calculated by attorney Barbara Sears. The developer argues incorrectly that contribution of the school site should excuse him from buying TDRs. In fact, since the housing units from the school site would be transferred to the remainder of the property, the reduction in revenue would be slight. He would need to substitute some attached and multi-family housing for detached houses. The added revenue from the increased commercial space would more than balance the cost of TDRs.
3. Require that the Crown Farm participate in the new Shady Grove Traffic Management

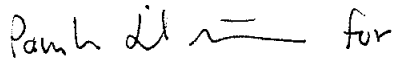


District, and abide by its peak hour trip mitigation goals.

4. Withhold approval of the zoning change until the above conditions are specified in a legally binding document. Any changes to the conditions during development should be subject to County Council approval.

It seems doubtful that Gaithersburg and the developers will produce a detailed document containing all the above conditions in time for official and public review before the April 18 and April 25 Council meetings. We urge you *not* to be constrained by the developer's artificial deadline, but rather to take whatever time is necessary to get the Crown Farm development right.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne Ambler", followed by the word "for" in a simple, slightly slanted font.

Anne Ambler
Sierra Club, Montgomery County Group

Andrea Arnold
Montgomery Countryside Alliance

Cheryl Cort
Washington Regional Network of Livable Communities

Laura Olsen
Coalition for Smarter Growth

cc: Mayor, City of Gaithersburg
City Council, City of Gaithersburg
Chairman, Montgomery County Planning Board

Gaithersburg Planning Commission



HISTORIC PRESERVATION COMMISSION

Douglas M. Duncan
County Executive

Julia O'Malley
Chairperson

April 13, 2006

George Leventhal, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: England-Crown Farm, 9800 Fields Road, *Master Plan* Site #20/17

Dear Mr. Leventhal,

The Historic Preservation Commission (HPC) has reviewed the City of Gaithersburg petition to annex property that includes the England-Crown Farm, an important historic site designated on the Montgomery County *Master Plan for Historic Preservation*. This item is scheduled for County Council consideration in the next week or so.

The England-Crown Farm is an extremely significant historic site that represents a century of farming in central Montgomery County. While located within the county, the property is protected by the county's historic preservation law and by the HPC; however, if annexed, the historic site will be solely under the jurisdiction of the City of Gaithersburg.

The HPC strongly recommends that measures be put into place prior to annexation that will clearly provide for appropriate preservation of the England-Crown Farm in the face of the proposed development. At a minimum, the agreement between the City of Gaithersburg and the developer must include provisions to have the property designated as historic under the City of Gaithersburg's preservation law and must specify parameters necessary for adequate protection of the historic site.

For example, the historic site includes two residential structures and a cluster of farm buildings. The history of the site is reflected in the farm buildings and not just in the residential buildings. Buildings that have been identified in the county designation documents as significant include an early timberframe barn, corn crib, hay barn, and dairy barn. In all, there are some 15-20 structures on the property. Not all of these structures are historically significant nor require preservation, but a number of the farm buildings should be retained and reused.

As the development plans move forward, the City of Gaithersburg historic preservation staff, Historic Preservation Advisory Commission, and Historic Preservation Commission should receive and carefully review information about the historic buildings on the site before making decisions about which buildings



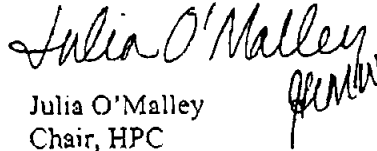
are retained and which are not. This information should be provided by the development team and should include an inventory of existing buildings, including physical description, date of construction, historic significance, and ranking of historic or architectural significance.

The Gaithersburg staff report on the annexation states only that the development plan should include preservation and an indicated use for the historic **residential** structures. This does not go far enough and is not comparable with the standards that would be used if the historic property were developed under the county's historic preservation law. It is imperative to provide for preservation and identify new uses for the significant farm buildings as well.

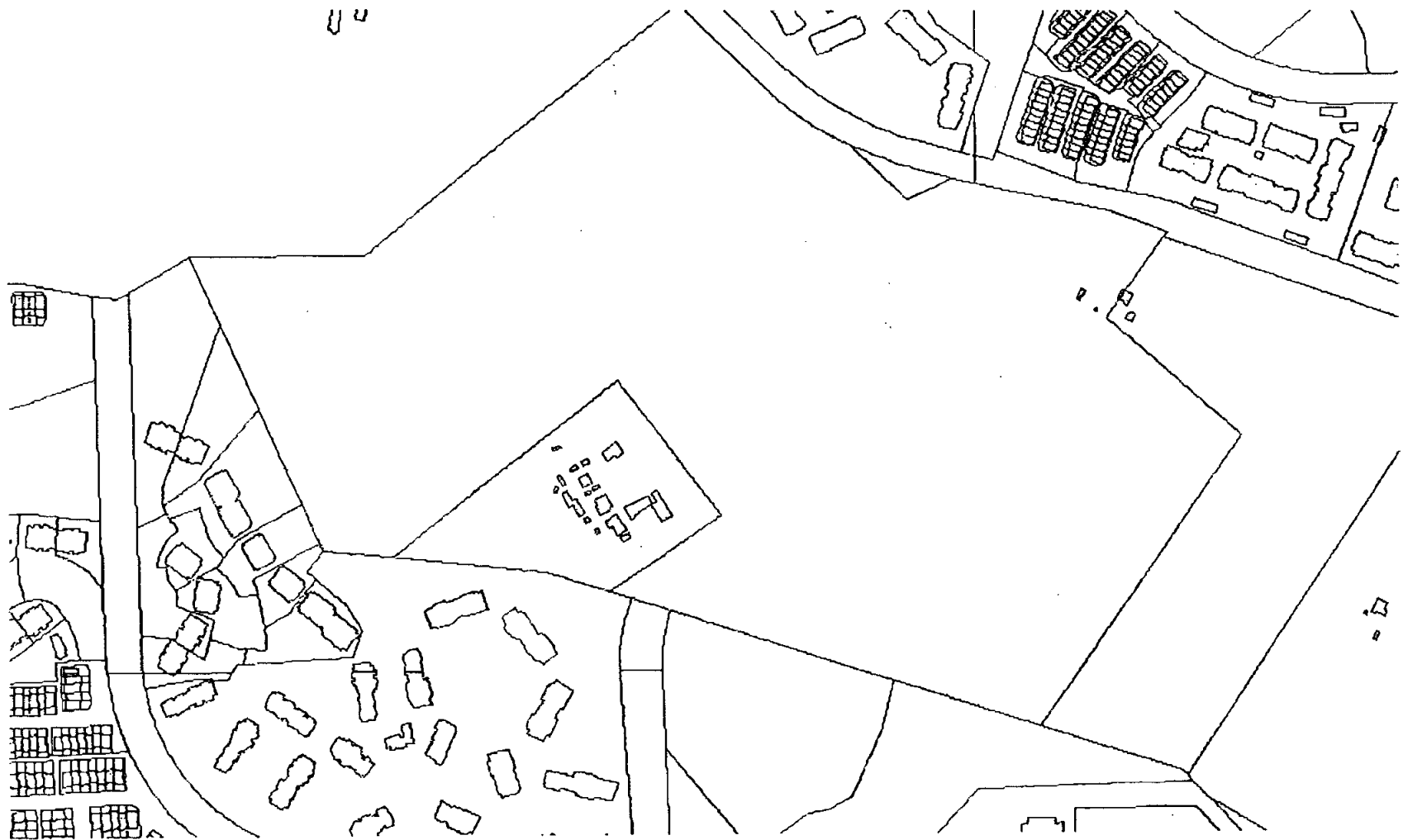
The current environmental setting for the England-Crown Farm is 75.8 acres. A reduced setting should identify and allow adequate protection of significant landscape features including mature trees within and adjacent to the complex of historic buildings, and provide enough land to convey its historic context. A rough map of a possible appropriate environmental setting is attached.

It is very important that the annexation agreement give the England-Crown Farm historic site the same level of zoning and planning protection as it has today under the county historic preservation law. The HPC would like to review a draft annexation agreement for provisions that would address these concerns.

Sincerely,


Julia O'Malley
Chair, HPC

9800 FIELDS



DEVELOPER Application

Notes:
 The street names, property, and topographic information shown on this map is based on copyrighted Map Products from the Maryland County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be
 or reproduced without permission from MNCPPC. Property lines are compiled by measuring the property lines to
 are derived from aerial photography and should not be interpreted as actual field survey. Aerial photographs were
 compiled from 1:15,000 scale aerial photography using stereo photogrammetric methods. This map is derived from a series
 of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or
 up to date. All map features are approximately within the feet of their true location. This map may not be the same as a map
 of its same area plotted at an earlier time as the details continuously update. Use of the map, other than for general planning
 purposes, is not recommended.
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Scale 1" = 60'



MD-NATIONAL CAPITAL PARK AND PLANNING
 COMMISSION
 1000 EIGHTH AVENUE, SUITE 100
 WASHINGTON, D.C. 20004

From: David B. Humpton
To: waynemgoldstein@hotmail.com
Date: 04/14/2006 10:51:33 AM
Subject: Crown Farm Annexation

Dea Mr. Goldstein,

Thank you for your email. A copy of it will be sent to the Mayor and City Council in their next reading package and placed in the public record. In addition, copies will be send to the City's Planning Commission for their review. We appreciate your interest in this project.

Sincerely,

David B. Humpton
City Manager
City of Gaithersburg

>>> "Wayne Goldstein" <> 04/14/2006 9:48 AM >>>
April 14, 2006

John Bauer, Chair
Gaithersburg Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

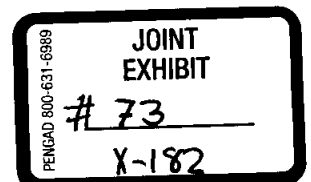
Dear Mr. Bauer,

Montgomery Preservation, Inc. (MPI) has been following the Crown Farm annexation since last September when we attended the design charrette. At the time, we were reassured about the protection and reuse of the farm complex buildings due to the strong interest and participation of county historic preservation and planning staff as well as members of the general public. Staff notes taken at the time mention specific community interest in using the farm buildings for "meeting space, dance hall, studio space, gallery, theatre." Since the developer first brought the annexation request to the county in early March, claiming the need for an expedited timetable of county approvals in less than 6 weeks, we have become alarmed about the fate of the historic Crown Farm, which is designated by Montgomery County and has been on its Master Plan for Historic Preservation since 1985.

The staff report prepared 3/8/06 by county historic preservation planner Clare Kelly for the county Historic Preservation Commission states:

"Staff is surprised at the dearth of information in the packet concerning the historic England-Crown Farmstead. There is no statement of significance of the historic site. The applicant failed the minimum requirement of the City of Gaithersburg application - an inventory of existing structures, including a description, condition, and age. In the case of a designated historic site, staff would expect a preservation consultant to provide a detailed analysis of the resource.

"It is a serious omission to exclude the non-residential historic buildings in the England-Crown Farmstead from preservation. When the resource was designated as a historic site in 1985, the rationale clearly stated that the



England-Crown Farm is a "typical Maryland farmstead." A farmstead includes farm buildings, not just the house. The application includes mention of two structures: the log residence and the frame house. Equally important to understanding the farming and domestic history of the property are the smokehouse, corn house, hay barn, timberframe barn, dairy barn and milk house.

"Historic Preservation staff has repeatedly encouraged the City of Gaithersburg planning staff and the developer to respect the historic Crown Farm in any development proposal. At a presentation to the developer and City staff, Park and Planning staff presented the history of the property and the value of the farmstead at a planning meeting with Gaithersburg staff in February. Yet the proposal presented to the Planning Board shows little understanding of the value of the historic site."

Ms. Kelly went on to make specific recommendations that became part of the packet of recommendations provided by the Planning Board to the County Council PHED Committee. The Historic Preservation Commission (HPC) decided it was necessary to communicate directly with the County Council on 4/13/06.

The letter, which I have attached, includes this concluding paragraph:

"It is very important that the annexation agreement give the England-Crown Farm historic site the same level of zoning and planning protection as it has today under the county historic preservation law. The HPC would like to review a draft annexation agreement for provisions that would address these concerns."

Since the annexation rezoning request was brought to the county, Gaithersburg city staff have continued to be either vague or nonresponsive to questions about the fate of these historic structures except to state that they will only require the owner to "preserve and improve" the c. 1894 farmhouse and c. 1850 log house.

MPI has no choice but to ask that the Gaithersburg Planning Commission direct its staff to do its job, objectively and thoroughly evaluating all of the necessary elements that go into making good planning decisions. Gaithersburg staff are not doing this for the historic preservation element that is such a crucial part of this development. In the meantime, MPI asks that the Gaithersburg Planning Commission include the specific recommendations of the HPC for its next meeting and also incorporate these recommendations into the report that it will bring to the Mayor and Council for the future joint worksession.

MPI had the very great pleasure of holding its 2005 Annual Awards Ceremony at the Thomas Cannery Building in Old Town Gaithersburg last June. We had over 100 in attendance from around the county who marvelled at the unique adaptive reuse achieved by Wiencek + Associates to create their own offices. Gaithersburg struggled for years over what to do with this important structure that presented so many challenges for adaptive reuse, and the building was at risk of being demolished during that period. Fortunately, city officials persevered in the face of such difficulties, and all of us now have the cultural and economic benefit of this building for Gaithersburg and beyond.

MPI knows that the Crown Farm complex can provide a great cultural and economic benefit to the residents of the adjacent planned community and to the City of Gaithersburg. We ask that you, your fellow commissioners, and the Mayor and Council look beyond the narrow focus of your staff and work

with the county HPC and planning staff to craft a requirement and plan for the adaptive reuse of the historic farm buildings that also provides a large enough environmental setting.

Yours truly,

Wayne Goldstein
President
Montgomery Preservation, Inc.
3009 Jennings Road
Kensington, MD 20895
301-942-8079
waynemgoldstein@hotmail.com

cc: Mayor and Council of the City of Gaithersburg
Montgomery County Council
Montgomery County Planning Board
Historic Preservation Commission

April 13, 2006

George Leventhal, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: England-Crown Farm, 9800 Fields Road, Master Plan Site #20/17

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structures are historically significant nor require preservation, but a number of the farm buildings should be retained and reused.

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The Gaithersburg staff report on the annexation states only that the development plan should include preservation and an indicated use for the historic residential structures. This does not go far enough and is not comparable with the standards that would be used if the historic property were developed under the county's historic preservation law. It is imperative to provide for preservation and identify new uses for the significant farm buildings as well.

The current environmental setting for the England-Crown Farm is 75.8 acres. A reduced setting should identify and allow adequate protection of significant landscape features including mature trees within and adjacent to the complex of historic buildings, and provide enough land to convey its historic context. A rough map of a possible appropriate environmental setting is attached.

It is very important that the annexation agreement give the England-Crown Farm historic site the same level of zoning and planning protection as it has today under the county historic preservation law. The HPC would like to review a draft annexation agreement for provisions that would address these concerns.

Sincerely,
Julia O'Malley
Chair, HPC

CC: John Bauer; Ossont, Greg; Sidney Katz; Stokes, Doris